Express Mail Label No. EU881912917US Date of Deposit: 09/28/2004 CERTIFICATE OF EXPRESS MAILING I hereby certify that the following paper is being deposited with the United States Postal Service as "Express Mail" on the date indicated above addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. September 28, 2004 (Date) Kathleen Schirtz (Kathleen Schirtz)	PATENT APPLICATION Attorney Docket No. 97063-US-NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

Application of: Stephen F. Linder et al	)	Confirmation No.: 8923
Application No.: 08/878,978	)	Art Unit: 2624
Filed: 06/19/1997	)	Examiner: King Y. Poon

For: METHOD AND SYSTEM FOR PROCESSING AND RENDERING OBJECT ORIENTED NEUTRAL IMAGE DATA

Mail Stop Appeal Brief - Patents
Commission for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

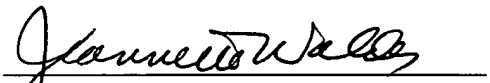
LETTER

Sir:

Enclosed herewith is an original Appellants' Reply Brief on Appeal in the above-identified application.

Please charge any fees associated with the filing on the Reply Brief on Appeal to Xerox Corporation, Deposit Account No. 24-0025. *Two duplicate copies of this letter are enclosed.*

Respectfully submitted,



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Date: September 28, 2004

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PATENT APPLICATION
Attorney Docket No. 97063-US-NP

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In re the Application of
Stephen F. Linder et al.

Application No.: 08/878,978 Confirmation No.: 8923

Filed: June 19, 1997 Examiner: King Y. Poon

For: METHOD AND SYSTEM FOR PROCESSING AND RENDERING OBJECT ORIENTED NEUTRAL IMAGE DATA

REPLY BRIEF ON APPEAL

Appeal from Group 2624

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September 28, 2004
Date

Kathleen Schertz
Signature of person mailing paper

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II. REAL PARTY IN INTEREST

The assignee, Xerox Corporation, is the real party in interest.

III. STATEMENT OF RELATED APPEALS AND INTERFERENCES

There are no prior or pending appeals, interferences or judicial proceedings, known to Appellants, Appellants' representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal.

IV. STATUS OF CLAIMS

Claims 1-5, 8 and 9 are on appeal.

Claims 1-5, 8 and 9 are pending.

Claims 1-5, 8 and 9 are rejected.

Claims 6, 7 and 10 are canceled.

V. STATUS OF AMENDMENTS

An Amendment After Final Rejection was filed on August 9, 2001. By an Advisory Action dated September 17, 2001, it was indicated that the requested amendments had been entered.

VI. SUPPLEMENTAL GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following matters were remanded by the Board to the Examiner for consideration:

1) Claims 1-5, 8 and 9 are rejected under 35 U.S.C. §112, first paragraph; and

2) The definitions of "parse" and "categorize".

VII. ARGUMENT

This appeal was remanded by the Board to the Examiner on July 19, 2004, for consideration of two issues. The Examiner submitted additional comments in the Office communication mailed September 9, 2004.

A. Claims 1-5, 8 and 9 are supported by the specification.

Claims 1-10 were rejected under 35 USC 112, first paragraph, as containing subject matter which was not described in the specification. The Examiner stated that the terms non-neutral object oriented image data, black object oriented image data, grey object oriented image data and white object oriented image data were not described in the application and that it is unclear whether the non-neutral object oriented image data, black object oriented image data, grey object oriented image data and white object oriented image data are referring to image data that is created by using object oriented programming or that the image data would be processed according to a particular object.

1. Only object oriented image data is being processed.

Appellants' invention as claimed in claim 1 is directed to a system of processing object-oriented image data. In the patent application [pa] on page 5, line 21 to page 6, line 2 it states:

> One aspect of the present invention is a system for processing object oriented image data. This system includes a first parser circuit to parse the object oriented image data into non-neutral color image data and neutral color image data, a second parser circuit to parse the neutral color image data into black color image data, grey color image, and white color image data, and a neutral color processing circuit to process the black color image data, grey color image data, and the white color image data.

Appellants submit that the language in the specification, "object oriented image data", are clearly referring to image data that is created by using object oriented programming

2. Non-neutral object oriented image data, black object oriented image data, grey object oriented image data and white object oriented image data refer to those specific portions (i.e., non neutral, black, grey or white) of the image data that is created using object oriented programming.

Object oriented image data is the starting point of claim 1. Appellants are not concerned with creating object oriented image data, Appellants are only with processing object oriented image data. Appellants submit that the language in the specification is clear in that the first parser circuit takes the object-oriented image data and parses it into non-neutral and neutral components. That is, the first parser circuit parses object oriented image data into non-neutral object-oriented image data and neutral object-oriented image data, respectively.

Appellants submit that the language in the specification is clear in that the second parser circuit then parses the neutral object-oriented image data into black object-oriented image data, grey object-oriented image data, and white object-oriented image data. That is, the neutral component of the original object-oriented image data is parsed into the black, grey and white components that is, the black object-oriented image data, the grey object-oriented image data, and the white object-oriented image data.

Appellants believe the specification supports the language of the claims as presently written. Appellants amended the claims in their amendment mailed April 6, 2001, by changing, for example, "non neutral image data" to "non-neutral object-oriented image data" to clarify that the system of the invention as claimed was for processing object-oriented image data.

B. The definitions of the term "categorizing" and the term "parsing".

The Board remanded the Appeal to the Examiner to compare the definitions of the two words, "parsing" and "categorizing" and to explain why the term "categorizing is deemed to meet the claimed "parsing". The definition of "parsing" according to dictionary.com is "to separate into more easily processed components". The definition of "categorizing" according to dictionary.com is "to assign to categories."

1. Even if "separating into more easily processed components" is deemed to be the same as "assign to categories", Ueda's categories are not the same as Appellants' components.

Ueda first splits a composite image into the broadest category of photograph, graphics and text. Next Ueda splits category photograph into intermediate categories of

landscape, portrait and still life. Then Ueda spits the intermediate category of photograph/portrait into narrow categories of layout, sex, clothes and background. See Figures 17a, 17b and 17c of Ueda.

None of Ueda's categories is the same as Appellants' components of neutral object-oriented image data and non-neutral object oriented image data. None of Ueda's sub-categories is the same as Appellants' black object-oriented image data, grey object-oriented image data, and white object-oriented image data.

2. Ueda does not parse, categorize or separate object-oriented image data into non-neutral object-oriented image data and neutral object-oriented image data.

Even if the definition of categorizing can be construed as the same as parsing, Ueda does not teach parsing (or categorizing) object oriented image data into non-neutral object oriented image data and neutral object oriented image data. Rather, Ueda teaches essentially a conventional object oriented rendering system. Ueda categorizes image types into a hierarchical structure (col. 5, lines 20-36) of "objects". Images are first categorized into three image types: photograph, graphics and text. Each of the three categories is further categorized into additional image types (see Figs. 11-15). For example, photograph may be categorized into portrait, landscape and still life. Ueda does this so that an operator may select and designate a desired printing characteristic for a particular image or image portion (abstract). Different software programs are provided to the user in order to change printing characteristics (col. 4, lines 30-45. col. 7, lines 53-57) of a selected image type.

Images in each of Ueda's categories or "objects" may include neutral image data and non neutral image data. For example, an image or image portion classified as a photograph – landscape may include both neutral image data and non-neutral image data. Ueda does not teach further categorizing "photograph - landscape" into neutral object oriented image data and non-neutral object oriented image data.

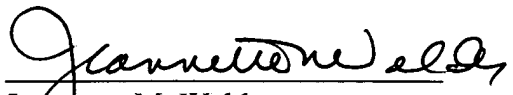
3. Ueda does not parse, categorize or separate neutral object-oriented image data into black object-oriented image data, grey object-oriented image data, and white object-oriented image data.

Since Ueda does not parse or categorize or separate images based on neutral and non-neutral image data, Ueda does not parse, categorize or separate neutral object-oriented image data into black object-oriented image data, grey object-oriented image data, and white object-oriented image data.

VIII. CONCLUSION

For all of the reasons discussed above, it is respectfully submitted that the rejections are in error and that claims 1-5, 8 and 9 are in condition for allowance. For all of the above reasons, Appellants respectfully request this Honorable Board to reverse the rejections of claims 1-5, 8 and 9.

Respectfully submitted,



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CLAIMS APPENDIX

CLAIMS INVOLVED IN THE APPEAL:

1. A system for processing object-oriented image data, wherein object-oriented image data comprises image data pertaining to an image object, comprising:

a first parser circuit for parsing the object-oriented image data into non-neutral object-oriented image data and neutral object-oriented image data;

a second parser circuit for parsing the neutral object-oriented image data into black object-oriented image data, grey object-oriented image data, and white object-oriented image data; and

a neutral color processing circuit for processing the black object-oriented image data, the grey object-oriented image data, and the white object-oriented image data, whereby the image object's neutral object-oriented image data is processed separately from the object's non-neutral object-oriented image data.

2. The system as claimed in claim 1, wherein said neutral processing circuit comprises:

a black processing circuit to process the black object-oriented image data;

a grey processing circuit to process the grey object-oriented image data; and

a white processing circuit to process the white object-oriented image data.

3. The system as claimed in claim 1, wherein said neutral processing circuit processes only the black, grey, and white object-oriented image data according to a selected feature set.

4. A method for processing object oriented image data, wherein object-oriented image data comprises image data pertaining to an image object,, comprising:

(a) parsing the object oriented image data into non-neutral object-oriented image data and object-oriented neutral image data;

(b) parsing the neutral object-oriented image data into black object-oriented image

data, grey object-oriented image data, and object-oriented white image data;

(c) processing the black object-oriented image data, the object-oriented grey image data, and the white object-oriented image data separately from the non-neutral object-oriented image data; and

(d) processing the processed object-oriented black image data, the processed object-oriented grey image data, the processed object-oriented white image data, and the non-neutral object-oriented image data together.

5. The method as claimed in claim 4, wherein said step (c) processes the black, grey, and white image data according to a selected feature set.

6. Canceled.

7. Canceled.

8. The system of claim 1, wherein an image object comprises text, graphic, bitmap or photographic.

9. The method of claim 5, wherein an image object comprises text, graphic, bitmap or photographic.

10. Canceled.